

INTERVIEW SUMMARY

On Wednesday, October 7, 2009, the Examiner and Applicants' representative held an interview to discuss two pending, related files, including this application. The two applications discussed during the interview bear application numbers 10/811,367 and 10/811,439. Topics of discussion included the pending claims in each case and U.S. Patent Publication No. 2002/0112035 to Carey et al. Applicants would like to thank the Examiner for her courtesy during the interview.

REMARKS

In the Office Action mailed July 21, 2009, the Examiner rejected¹ claims 1, 3-11, 14-21, 23-31, 34-43, 45-52, and 54-60 as allegedly being obvious over U.S. Patent No. 7,016,936 to Wilkinson et al. ("*Wilkinson*") and U.S. Patent No. 7,370,004 to Patel et al. ("*Pate*") in further view of U.S. Patent Publication No. 2002/0112035 to Carey et al ("*Carey*").

By this amendment, Applicants amend claims 1, 21, and 41.²

Independent claims 1, 21, and 41

"[T]he framework for objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 U.S.P.Q 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art." M.P.E.P. § 2141(II). "The key to supporting any rejection under 35 U.S.C.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

² Claims were amended solely to expedite prosecution. Applicants preserve the right to pursue the original subject matter in subsequent applications.

103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” M.P.E.P. § 2141(III). “Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.” M.P.E.P. § 2141(III). In the Office Action, there must be “some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” M.P.E.P. § 2141(III).

Claims 1, 21, and 41

As amended, independent claims 1, 21, and 41 all recite “a hierarchy of grouped rules, where the hierarchy of grouped rules comprises a group of overriding rules, a group of trigger rules, a group of event based rules, and a group of interaction rules, such that overriding rules are globally applied to all customers, and such that any rule from the group of overriding rules takes precedence over any rule from the group of interaction rules.” This concept appears throughout Applicants’ specification. See, e.g., Specification at ¶¶ 55, 80, 82, 84, and 87; see also Figures 6-8.

The Office Action of July 21, 2009 asserted that *Carey* teaches that “a content experience management system where rules are prioritized and certain rules are allowed to override other rules.” Office Action p. 5. To support this assertion, the Examiner pointed to paragraph 78 of *Carey*, reproduced below.

[0078] Rules can be structured in a binary fashion (e.g., yes/no, selected/deselected). Alternatively, rules may be prioritized based on either a weighted or linear or non-linear scale or weighting or any combination thereof, and the results of the construction process include a scoring process such that certain rules are either applied before other rules and/or certain rules are allowed to deselect and/or remove (i.e., override) other rule(s).

While *Carey* may use the word “override,” the Office Action did not identify anything in the *Carey* reference as allegedly describing “interaction rules” in addition to “overriding” rules. Furthermore, in light of the current claim amendments, *Carey* does not disclose “grouped rules in a hierarchy, where the hierarchy of grouped rules comprises a group of overriding rules, a group of trigger rules, a group of event based rules, and a group of interaction rules, such that overriding rules are globally applied to all customers, and such that any rule from the group of overriding rules takes precedence over any rule from the group of interaction rules.” In particular, *Carey* does not disclose any hierarchy comprising groups of rules, does not disclose overriding rules that are globally applied to all customers, does not disclose trigger rules, does not disclose event based rules, and does not disclose interaction rules. See Applicants’ Figure 6; see also Specification at ¶¶ 55, 80, 82, 84, and 87.

Wilkinson and *Patel* do not remedy the deficiencies of *Carey* as described above.

As a result of these distinctions, the differences between the claimed invention and the prior art have not been properly ascertained, and no rational underpinning to support the legal conclusion of obviousness has been provided. Accordingly, no reason has been clearly articulated as to why the prior art would have rendered the claimed invention obvious to one of ordinary skill in the art. Thus, the rejection of claims 1, 21, and 41, as amended, should be withdrawn.

Dependent claims 3-11, 14-20, 23-31, 34-40, 42, 43, 45-52, and 54-60

Each of these claims is a dependent claim, and thus includes all the elements of its respective independent claim. All the independent claims are unobvious over the art of record, as set forth above. “If an independent claim is nonobvious under 35 U.S.C.

103, then any claim depending therefrom is nonobvious.” M.P.E.P. 2143.03 (citing *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988)). Accordingly, the rejection of dependent claims 3-11, 14-20, 23-31, 34-40, 42, 43, 45-52, and 54-60 under 35 U.S.C. 103(a) should be withdrawn as well.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.


Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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Dated: November 23, 2009
(November 21st being a Saturday)

By: _____


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